

76-10-2201. Unlawful body piercing and tattooing of a minor -- Penalties.

(1) As used in this section:

(a) "Body piercing" means the creation of an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration.

(b) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal guardian during the performance of body piercing or tattooing upon the minor after the parent or legal guardian has provided:

(i) reasonable proof of personal identity and familial relationship; and

(ii) written permission signed by the parent or legal guardian authorizing the performance of body piercing or tattooing upon the minor.

(c) "Minor" means a person younger than 18 years of age who:

(i) is not married; and

(ii) has not been declared emancipated by a court of law.

(d) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment under the skin or by producing scars.

(2) A person is guilty of unlawful body piercing of a minor if the person performs or offers to perform a body piercing:

(a) upon a minor;

(b) without receiving the consent of the minor's parent or legal guardian; and

(c) for remuneration or in the course of a business or profession.

(3) A person is guilty of unlawful tattooing of a minor if the person performs or offers to perform a tattooing:

(a) upon a minor;

(b) without receiving the consent of the minor's parent or legal guardian; and

(c) for remuneration or in the course of a business or profession.

(4) A person is not guilty of Subsection (2) or (3), if the person:

(a) has no actual knowledge of the minor's age; and

(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years of age or older before the person performs the body piercing or tattooing.

(5) (a) A person who violates Subsection (2) or (3) is guilty of a class B misdemeanor.

(b) The owner or operator of a business in which a violation of Subsection (2) or (3) occurs is subject to a civil penalty of \$1,000 for each violation.

Amended by Chapter 329, 2013 General Session